

LAW OFFICES

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January 15, 2020

Via ECF

Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

The Court will conduct a telephone conference at 11:00 a.m. to discuss recent developments. The application to delay the 10:00 A.M. filing is granted.

Re: United States v. Avenatti, No. S1 19 Cr. 373 (PGG)
Request for a Telephonic Status Conference

CO-ORDERED:

Dear Judge Gardephe:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

We write to request a telephonic status conference at the Court's earliest convenience (if possible, this morning), in view of Mr. Avenatti's arrest in California yesterday evening and his current custodial status. We also request that the Court allow us to delay the filing that the Court was expecting this morning at 10:00am regarding outstanding judgments given the recent developments and our inability to communicate with Mr. Avenatti today.¹ The government advises that it takes no position on this request.

As the Court is now aware, Mr. Avenatti was arrested late yesterday afternoon by federal agents on allegations that he violated his bond conditions in the Central District of California. He is currently in custody (at the Santa Ana Jail, we believe) and apparently is scheduled to appear at some point today before United States District Judge James Selna, who is presiding over Mr. Avenatti's California federal case. The USAO-CDCA is seeking to revoke Mr. Avenatti's bond and have him detained.

Undersigned counsel (Srebnicks, Quinon) are currently scheduled to travel to New York tomorrow to appear before the Court for the final pretrial conference in this case on Friday, and to stay through the duration of the trial. At this point, we do not know whether Mr. Avenatti will be in New York for the pretrial conference on Friday. Moreover, there are a number of legal and factual issues that we were expecting to address over the course of the next several days, including but not limited to responding to motions to quash, filing a motion to compel testimony, filing motions *in limine* based on the government's exhibit list, finalizing the defense exhibit list, working on stipulations with the government, and the like, all of which require Mr. Avenatti's input. We have no access to Mr. Avenatti at this point and have no idea when we can expect to meet with him or discuss the matters on a non-monitored telephone

¹ Undersigned counsel was able to receive a brief call from Mr. Avenatti at midnight last night on a monitored line.

line. Even under the most optimistic of scenarios, we are unlikely to be able to discuss any of these matters with him in person for several days. Last night, we received the complete Jencks Act production from the government; while we have not counted the pages, the production is substantial.² We cannot predict when we will even begin to be able to review that material with Mr. Avenatti; his participation in that review – in addition to being his right – is essential for us to defend him.

Given these significant developments, we respectfully request a telephonic status conference at the Court's earliest convenience, to discuss the status of the trial date.

Respectfully,
/s Scott Srebnick
Scott A. Srebnick
Jose M. Quinon
E. Danya Perry

² The government's production was in accordance with the agreed-upon deadlines of the parties. The government advises – and we agree -- that the government provided interviews reports even for more than its case-in-chief, to include individuals whom the government does not intend to call to testify.